

House File 501 - Introduced

HOUSE FILE 501

BY MASCHER, STAED, and
WINCKLER

A BILL FOR

1 An Act restricting the sale and use of pesticides containing
2 compounds belonging to the neonicotinoid class of chemicals,
3 making penalties applicable, and including applicability
4 provisions.
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 206.20, Code 2021, is amended to read as
2 follows:

3 **206.20 Restricted use pesticides classified.**

4 1. The secretary shall determine, by rule, the pesticides
5 to be classified as restricted use pesticides. In determining
6 these rules the secretary shall take into consideration the
7 pesticides classified as restricted use by the United States
8 environmental protection agency and is authorized to adopt by
9 reference these classifications.

10 2. a. A pesticide containing a compound belonging to the
11 neonicotinoid class of chemicals shall be classified as a
12 restricted use pesticide.

13 b. A compound belonging to the neonicotinoid class of
14 chemicals shall at least include all of the following:

- 15 (1) Acetamiprid.
- 16 (2) Clothianidin.
- 17 (3) Dinotefuran.
- 18 (4) Imidacloprid.
- 19 (5) Nitenpyram.
- 20 (6) Nithiazine.
- 21 (7) Thiacloprid.
- 22 (8) Thiamethoxam.

23 c. The department may adopt by rule other compounds
24 belonging to the neonicotinoid class of chemicals.

25 Sec. 2. APPLICABILITY. This Act applies to the use of a
26 pesticide containing a compound belonging to the neonicotinoid
27 class of chemicals as a restricted use pesticide as provided
28 in chapter 206, if such pesticide was purchased on and after
29 January 1, 2022.

30 EXPLANATION

31 The inclusion of this explanation does not constitute agreement with
32 the explanation's substance by the members of the general assembly.

33 GENERAL. This bill classifies a pesticide containing a
34 compound belonging to the neonicotinoid class of chemicals as a
35 restricted use pesticide subject to special regulations.

1 BACKGROUND. State law regulates the offer for sale, sale,
2 purchase, and use of pesticides as administered and enforced
3 by the department of agriculture and land stewardship (DALs)
4 (Code chapter 206). A pesticide is broadly defined to include
5 a substance used to control insects, rodents, nematodes, fungi,
6 and weeds (Code section 206.2(21)).

7 Generally, a pesticide dealer licensed by DALs is prohibited
8 from offering for sale or selling a restricted use pesticide to
9 a person other than a commercial, public, or private applicator
10 certified by DALs, and the dealer or applicator may also be
11 subject to certain recordkeeping requirements (see Code section
12 206.5, 21 IAC 45.26, 21 IAC 45.51, and 40 CFR 152.170). A
13 neonicotinoid is derived from nicotine, acts as a neurotoxin,
14 and is used as an insecticide when managing plant production
15 through a wide variety of methods including by spraying crops
16 and treating crop seeds. It is also used in nursery and garden
17 care products, as part of animal husbandry practices (including
18 livestock and pet care), and in aquaculture.

19 PENALTY. A person who violates a provision of Code
20 chapter 206 is guilty of a serious misdemeanor (Code section
21 206.22(2)). A serious misdemeanor is punishable by confinement
22 for no more than one year and a fine of at least \$430 but not
23 more than \$2,560.

24 APPLICABILITY PROVISIONS. The bill applies to the use of a
25 pesticide containing a compound belonging to the neonicotinoid
26 class of chemicals as a restricted use pesticide, so long as
27 such pesticide was purchased on and after January 1, 2022.